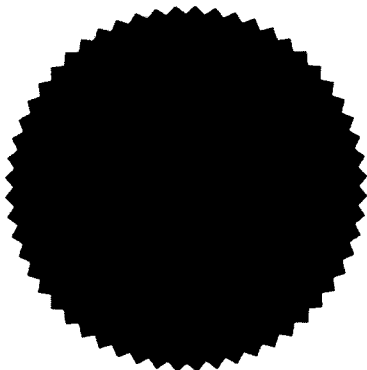


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Fil-Prim'Awla tal-Qorti Civili  
Onor. Geoffrey Valenzia LL.D.

Seduta ta' nhar il-Gimgha 9 ta' Frar, 2001

Kawza Nru.15

Citazzjoni numru 411/99 GV  
Dr.Jotham Scerri Diacono noe  
-vs-  
Dr.Joseph Azzopardi et noe  
Differita: 28/02/01 (provvediment)

Toper Hristov Vassilev swears on oath in the English language:

Dr.Jotham Scerri Diacono:

What is your connection with the plaintiff's company that is with Eredan Shipping Limited, Camatur Shipping Company Limited, Antarus Shipping Company Limited, Ferrum Shipping Company Limited and Cama River Shipping Limited of perm Russia?

Witness:

For Camatur, Antarus, Eredan I am a director for Cama River Shipping of Russia I have a power of attorney to represent them.

Dr.Jotham Scerri Diacono:

So you confirm that you are authorised to appear and represent these plaintiff companies?

Witness:

Yes I confirm.

Dr.Jotham Scerri Diacono:

Why these four Maltese companies were incorporated?

Witness:

They were incorporated for the purpose of possessing and operating and managing ships registered in Malta.

Dr. Jotham Scerri Diacono:

What was the role of the defendant Filatov in these four Maltese companies?

Witness:

In the begining he used to be the director of those companies.

Dr. Jotham Scerri Diacono:

And your role or your function within these four companies?

Witness:

When I came there was only two companies here Camatur and Cama Malta Shipping which was subsequently renamed. I came to work as a broker in the company to be responsabile for the tendering on the ships and within the time I became a director.

Dr. Jotham Scerri Diacono:

What is your position today within these companies?

Witness:

I still continue to be the director of those companies.

Dr. Jotham Scerri Diacono:

When you are saying those companies you are referring to the four Maltese companies?

Witness:

Yes.

Dr. Jotham Scerri Diacono:

Which are?

Witness:

Camatur Shipping, Eredan Shipping, Antarus Shipping and Ferrum Shipping.

Dr. Jotham Scerri Diacono:

During your employment within these four Maltese companies what did you find out?

Witness:

That they were working in the same building and the same premises and on the same desks together with the company which belong to Filatov E.I. Holding and River Sea Ship Management and there were two groups of ships: four ships which were berboth chartered by Filatov for Cama River shipping. These were 15025, 15023, vogued on 15026, vogued on 5040 and vogued on 5042 and there were other ships which were old and managed by Camaco Shipping which were vogued on 15063, vogued on 5064, vogued on 5083, vogued on 5086 and 5087, STK 1011 and STK 1014. These are two different groups of ships which were supposed to trade for two different interests and to bring profit and loss for two different companies but however what I noticed since the very begining was that whenever it was possible to put the expenses of those five ships vogued on 5023, vogued on 5024, vogued on 5026, vogued on 5040 and vogued on 5042, those expenses were paid by Cama Malta Shipping.

Dr. Jotham Scerri Diacono:

When you say Cama Malta Shipping what is the name of this company today, has it changed name?

Witness:

No the name of this company is Eredan Shipping.

Dr. Jotham Scerri Diacono:

What did you do when you started realising that something was amiss?

Witness:

I couldn't do anything because I was an employee in fact I came to work for Cama Malta Shipping but I Filatov arranged my work permit from this company River Sea Ship Management so I was more or less linked to what Filatov would say to me.

Dr. Jotham Scerri Diacono:

You are saying about what you had done when you were employed with the plaintiff companies and what have you found out and what action you took after you found out after you found out?

Witness:

I couldn't do anything and I couldn't take any action because I was not authorised to do any action there were other people who were authorised to do that.

Dr. Jotham Scerri Diacono:

Did you report to anybody?

Witness:

Well infact I reported in summer of 1997 and this happened when this ownership of the majority shareholder Cama River Shipping changed and became controlled by a person who was becoming interested in the results of the financial application of those ships. His name is Mikhail Antonov. So he became the major shareholder for the Cama River Shipping in 1997 and by the summer of 1997 he became interested in the situation of the ships because he had heard about those ships but he didn't have any information.

Dr. Jotham Scerri Diacono:

Which ships are you referring to?

Witness:

I am referring to all those ships which I listed in the begining five ships which were with Filatov on verboth charter and the rest of the ships which were not with Filatov which were with Cama Malta Shipping.

Dr. Jotham Scerri Diacono:

Which ships were verboth chartered to the companies' of Filatov, who owned the ships?

Witness:

Cama River shipping.

Dr. Jotham Scerri Diacono:

Cama river shipping is a Russian company?

Witness:

Yes it is a Russian Company. So Antonov called me in Russia and he asked me to explain about the situation in Malta, what the ships are doing, why the ships are all in bibes, why the ships are very in bad technical condition and I explained as much as I could that the money which the ships generated was not used for the purpose of the companies' or the the purpose of the maintenance of the ships but they disappeared.

Dr. Jotham Scerri Diacono:

Who had control on this money?

Witness:

Filatov.

Dr. Jotham Scerri Diacono:

And what did you realise what was being done by Filatov?

Witness:

He was taking funds from the turnover of the ships sometimes he could see that all he was taking was funds, sometimes he couldn't because he was controlling all relations with the bank.

Dr. Jotham Scerri Diacono:

But what was he doing with these funds?

Witness:

He was transferring funds to his companies River Sea Ship Managemet and E I Holdings, he was transferring funds to United States, he was using the funds for his own benefits and he used funds from Cama Malta Shipping to repair the ships which he can verboth charter from Cama River Shipping even to the ships which were here in Malta.

Dr. Jotham Scerri Diacono:

What instructions did Antonov give you when you informed him of this?

Witness:

Well Antonov instructed me to take the management from all ships to stop following instructions of Filatov and to trade the ships for the benefit of the majority shareholders and for the owners.

Dr. Jotham Scerri Diacono:

Who is the majority shareholder in four Maltese companies?

Witness:

It is Cama River Shipping of the Russian Federation.

Dr. Jotham Scerri Diacono:

And what is Mikail Antonov's role in the major shareholder? Can you explain the instructions he had given you in connections with Filatov?

Witness:

The position of Antonov is representative of the majority shareholding of Cama River Shipping and he is chairman of the board of directors of Cama River Shipping.

Dr. Jotham Scerri Diacono:

Cama River Shipping is the Russian company or?

Witness:

Yes Cama River Shipping is a Russian Company.

Dr. Jotham Scerri Diacono:

You were talking about the misgivings you had about the transfer, about the management of the finances of the four companies, can you explain in other detail what did do you notice Filatov was doing with the funds of the four Maltese companies.

Witness:

He was using those funds for his own purposes.

Dr. Jotham Scerri Diacono:

Can you give us examples of what he was doing with those funds apart from those you already mentioned?

Witness:

First of all I happened to see most of his domestic bills which were paid by the cheque book of Cama Malta Shipping.

Dr. Jotham Scerri Diacono:

Such as?

Witness:

He bought various things such as computer for his daughter and he paid the school for his daughter. He bought a car and a boat and maintenance for the car and boat were paid by Cama Malta Shipping cheque book. He used to travel a lot and his excursions were also paid by it.

Dr. Jotham Scerri Diacono:

Did you take any notes on all this?

Witness:

Yes I reported to Mr Antonov when he asked me to give him a view what was happening and in that time I had access to some documents and at that time I also had noticed these things and I gave him a list of things which in my opinion were used and were bought by the money which Cama Malta Shipping and or Ferrum Shipping were owning in order to benefit Filatov.

Dr. Jotham Scerri Diacono:

What action was taken eventually against Filatov by the four Maltese companies?

Witness:

First of all we shifted the money in the operation of the funds to a bank account in which he didn't have access and he couldn't operate himself and second of all he was distrusted from the management of the company.



Dr. Jotham Scerri Diacono:

How was that done?

Witness:

We used other accounts which he didn't have but he was not a secretary and he was dismissed as a director from those companies.

Dr. Jotham Scerri Diacono:

He was dismissed by whom? By the board?

Witness:

There was a general meeting of the shareholders in the beginning of 1998 and he was dismissed as a director.

Dr. Jotham Scerri Diacono:

Would you be able to present copies of the resolutions of the minutes of the board meetings?

Witness:

Next time yes.

Dr. Jotham Scerri Diacono:

Would you be able to present a schedule indicating to the Court the monies to which you discovered were misappropriated by Filatov?

Witness:

Yes.

Xhieda sospiza

Din hija s-sustanza tax-xhieda giet dettata direttament mix-xhud fil-presenza tal-Qorti

Niddikjara li traskrivejt fis-sewwa u fl-ahjar hila tieghi t-traskrizzjoni tat-tape.

Stefania Scicluna

Traskrittrici